IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
WRIT PETITION NO : 22889 of 1995

Between:

1 Smt.Annamma W/o.N.Krishnappa
Madanapalle , Chittoor Dist
2 Sri.A.James S/o.C.A.James
R/o.Fort Street , Madanapalle Chittoor Dist.
3 N.Yellamma W/o.Late N.Narsimhulu
Valsapalle Post , Madanpalle Mandal Chittoor Dist.

..... PETITIONER(S)

AND

1 Govt of A.P Rep by its Secretary
Revenue Dept. secretariat , Hyderabad
2 The Revenue Divisional Officer
Madanapalle Revenue Division Madanapalle, Chittoor Dist
3 The Mandal Revenue Officer
Madanapalle Mandal Chittoor Dist.
4 A.P.State Financial Corporation Rep by its Senior Branch Manager
N.T.Road , Balaji colony , Tirupathi Respondent 4 is impleaded as per court order 16-4-98 in WPMP.No.24264/97

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari or any other appropriate writ or direction calling for the records from the 3rd respondent and quash the proceedings of the 3rd respondent issued in proceedings in ROC.A/1587/89 dt:3-9-95 in respect of petitioner No.1 and ROC.A/1567/89 dt: 3-9-95 in respect of petitioners 2 and 3 including their dispossession from their respective assigned lands in S.No.516/1, 516/2, 516/3 of Vasapalli of Madanapally Revenue Mandal of Chittoor District.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondent Nos 1 to 3 .: GP FOR ASSIGNMENT

Counsel for the Respondent No.4:Mr.Y.N.Lohita

The Court made the following :

ORDER:

The petitioners invoke the extraordinary jurisdiction of this Court under article 226 of the Constitution of India with a prayer to issue a Writ of Certiorari calling for the records relating to the orders in Roc.A/1587/89 in respect of petitioner No.1 and Roc.A/1567/89 dated 3.9.1995 in respect of petitioners 2 and 3 issued by the 3rd respondent and to quash the same.

Learned Counsel for the petitioners submits that against the impugned orders, an appeal lies to the 2nd respondent herein and that the petitioners may be permitted to file an appeal against the impugned orders before the 2nd respondent.

It is now settled that without exhausting the remedy under the statute, the aggrieved person cannot directly invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

The writ petition is, therefore, liable to be dismissed as not maintainable and is accordingly dismissed. However, the petitioners are at liberty to file an appeal before the 2nd respondent and on such appeal being filed, the 2nd respondent shall dispose of the same in accordance with law. No costs.

16-09-2004

Stp

Sd/-

ASSISTANT

REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary,Govt of A.P,
Revenue Dept. Secretariat , Hyderabad

2 The Revenue Divisional Officer
Madanapalle Revenue Division Madanapalle, Chittoor Dist

3 The Mandal Revenue Officer
Madanapalle Mandal Chittoor Dist.

4. 2CCs to G.P.for Assignment,A.P.High Court Buildings (OUT)

5. .2CD copies

*Form-NIC-OGS/WP{**LOBIS**}*

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 22889 of 1995

16-09-2004